Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART II

CHANGES IN LOCAL GOVERNMENT AREAS

Proposals by Local Government Boundary Commission for Scotland

12 Local Government Boundary Commission for Scotland

(1) There shall be a Local Government Boundary Commission for Scotland (in this Part of this Act referred to as " the Boundary Commission") who shall carry out the functions conferred on them by or under this Act.

(2) The provisions of Schedule 4 to this Act shall have effect with respect to the Boundary Commission.

13 Proposals for changes in local government areas

The Boundary Commission may, in consequence of a review conducted by them under this Part of this Act, make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):

(a) the alteration of a local government area;

(b) the constitution of a new local government area;

(c) the abolition of a local government area;

(d) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under this section or is a change (hereafter in this Part of this Act referred to as a " substantive change") which is independent of any change in local government areas so proposed.

Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

14 Duty and power to review local government areas

(1) Subject to sections 15 and 16 of this Act, it shall be the duty of the Boundary Commission, not less than ten nor more than fifteen years after 16th May 1975 and thereafter at intervals of not less than ten nor more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection, to review all local government areas for the purpose of considering whether to make such proposals in relation to all or any or any part of those areas as are authorised by section 13 of this Act and what proposals, if any, to make, and the Commission shall formulate any such proposals accordingly.

(2) Without prejudice to subsection (1) above, the Boundary Commission may at any time, subject to sections 15 and 16 of this Act, review all or any or any part of the local government areas for the purpose of considering whether to make such proposals in relation to them as are authorised by section 13 of this Act, and what proposals, if any, to make, and the Commission shall formulate any such proposals accordingly.

(3) If the Boundary Commission receive a request from a local authority or from any person that they should conduct a review under subsection (2) above with respect to any local government area in which the authority or person appears to the Commission to have an interest, the Commission shall consider the request.

(4) In any case where the Secretary of State has made an order under section 1 of the New Towns (Scotland) Act 1968 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the Boundary Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission, subject to section 15(3) of this Act, to review the areas of those districts for the purpose of considering whether to make such proposals in relation to them as are authorised by section 13 of this Act and what proposals, if any, to make, and the Commission shall formulate any such proposals accordingly.

15 Powers of Secretary of State in relation to reviews

(1) The Secretary of State may by direction given to the Boundary Commission vary the length of any interval specified in section 14(1) of this Act either as respects the whole review or as respects any particular case or cases.

(2) Subject to section 16 of this Act, the Secretary of State may direct the Boundary Commission to conduct a review of the local government areas as a whole, or of any one or more such areas or parts thereof, for the purpose of considering whether to make such proposals in relation to the areas as are authorised by section 13 of this Act and what proposals, if any, to make, and the Commission shall formulate any such proposals accordingly.

(3) The Secretary of State may direct the Boundary Commission not to undertake during a specified period a review of any one or more local government areas or parts of such areas which they have the duty or power to review under section 14 of this Act.

(4) The Secretary of State may give directions to the Boundary Commission for their guidance in conducting reviews under this Part of this Act and in making proposals in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.

(5) A direction shall not be given under subsection (4) above with respect to any review conducted under this Part of this Act except after consultation with associations appearing to the Secretary of State to be representative of local authorities.

(6) The Secretary of State may give directions to the Boundary Commission with respect to the order in which areas are to be reviewed by them under sections 14 and 15(2) of this Act.

16 Substantive changes in electoral arrangements

(1) No review shall be conducted under section 14 or 15 of this Act for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.

(2) It shall be the duty of the Boundary Commission not less than ten nor more than fifteen years after the submission of the report on the initial review of electoral arrangements for a local government area under Schedule 5 to this Act and thereafter, so far as is reasonably practicable, at intervals of not less than ten nor more than fifteen years from the submission of the last report of the Commission under this subsection in relation to that area, to review the electoral arrangements for that area for the purpose of considering whether to make proposals to the Secretary of State for a substantive change in those arrangements and what proposals, if any, to make, and the Commission shall formulate any such proposals accordingly.

(3) Without prejudice to subsection (2) above, the Boundary Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a local government area for the purpose of considering whether to make proposals to the Secretary of State for a substantive change in those arrangements and what proposals, if any, to make and the Commission shall formulate any such proposals accordingly.

17 Commission's reports and their implementation

(1) Where the Boundary Commission have—

(a) in accordance with section 14 or 15 of this Act been conducting a review of any area ; or

(b) in accordance with section 16 of this Act been conducting a review of electoral arrangements,

on which they have a power or duty to formulate proposals to the Secretary of State, and in either case the Commission are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it, they shall, not later than the expiry of any time limit applicable to the review in question in terms of section 14, 15 or 16 of this Act, submit a report to him on the review or that part, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

(2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Boundary Commission, either as submitted to him or with modifications:

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.

Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

(3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Boundary Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make a report to him containing revised proposals with respect to that area or those arrangements within a time specified in the direction.

(4) Where, following the submission of any report by the Commission under this section, the Secretary of State decides to make an order thereunder which abolishes or alters the boundaries of any local government area, he shall lay any such report before Parliament together with the order, and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.